

**WORKFORCE DEVELOPMENT DEPARTMENT[871]**

**Adopted and Filed**

**Rule making related to claims**

The Director of the Workforce Development Department hereby amends Chapter 24, “Claims and Benefits,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 96.11.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 96.

*Purpose and Summary*

These amendments update the Department’s definition of the benefit year, clarify the timelines for filing a weekly claim, and specify certifications made by claimants in continuing claims. Further, the rule on backdating is updated to reflect the responsibility of the claimant to file continued claims rather than to rely upon the Department to do so in arrears. A rule on interstate claims is also added in order to reflect the need for certification from the other state in those cases.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 28, 2018, as **ARC 3712C**. The Notice was reviewed by the Administrative Rules Review Committee at its meeting held on April 6, 2018. At the meeting, comments were received from the Iowa Association of Business and Industry (ABI) in opposition to the amendment in Item 6. ABI presented language that it wished to have the Department adopt in lieu of the language proposed in Item 6. Public comment was also received formally from ABI, as well as from Mark Hanawalt of United Equipment Accessories, Inc., and Charles Sukup from Sukup Manufacturing. In consideration of continued discussions with the stakeholders and interested parties, the Department has elected not to adopt the amendments proposed in Items 5 and 6 at this time and has renumbered Item 7 as Item 5 accordingly.

*Adoption of Rule Making*

This rule making was adopted by the Director of the Department on May 4, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on June 27, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 24.1(21) as follows:

**24.1(21) Benefit year, individual.** The benefit year is a period of 365 days (366 in a leap year) beginning with and including the starting date of the benefit year. The starting date of the benefit year is always on Sunday and is the Sunday of the current week in which the claimant first files a valid claim ~~unless the claim is backdated as allowed under paragraph 24.2(1)“h.”.~~

ITEM 2. Amend subparagraph **24.2(1)“g”(1)** as follows:

(1) The weekly continued claim shall be transmitted not earlier than 8 a.m. on the Sunday following the Saturday of the weekly reporting period and, ~~unless reasonable cause can be shown for the delay,~~ not later than close of business on the Friday following the weekly reporting period.

ITEM 3. Amend subparagraph **24.2(1)“g”(3)** as follows:

(3) The individual shall set forth the following:

1. That the individual continues the claim for benefits;
2. That except as otherwise indicated, during the period covered by the claim, the individual was fully or partially unemployed, earned no gross wages and received no benefits, was able to work and available for work;
3. That the individual indicates the number of employers contacted for work, the contact information for each employer contacted, and the result of the contact;
4. That the individual knows the law provides penalties for false statements in connection with the claim;
5. That the individual has reported any job offer received during the period covered by the claim;
6. That the individual understands the individual's responsibility to review the individual's claim records to ensure there is no delay in filing the individual's weekly claim to remain in continuous reporting status. Failure to file claims each week will require a claimant to submit a claim application to reactivate the claim;

~~6- 7.~~ Other information required by the department.

ITEM 4. Amend subparagraph **24.2(1)“h”(2)** as follows:

(2) The claim may only be backdated prior to the first day of the calendar week in which the claimant does report and file a claim ~~for the following reasons:~~

- ~~1. The failure of the department to recognize the expiration of the claimant's previous benefit year;~~
- ~~2. The if the~~ claimant filed an interstate claim against another state which has been determined as ineligible.

ITEM 5. Adopt the following **new** subparagraph **24.37(1)“d”(4)**:

(4) The effective date of an interstate claim shall be the Sunday of the week the claim was filed, except if proof is obtained from another state that the claimant filed in that state and it was determined that the claim should have been filed in Iowa.

[Filed 5/4/18, effective 6/27/18]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/23/18.